

In fact, it is my opinion, based on number of surveys, including the 2014 Philadelphia CLS Survey, that they could have reasonably requested higher hourly rates.

On this 31 day of March, 2016, I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct.

Jonathan S. Corchnoy, Esquire  
PA #35778  
NJ #1604-2006  
Fla #115707

# EXHIBIT H

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

E.C. and C.O., individually and  
on behalf of C.C.O.

Appellees,

V.

School District of Philadelphia

Appellant.

.....

NO. 15-1825

**DECLARATION OF BENJAMIN J. HINERFELD, ESQ.**

I, Benjamin J. Hinerfeld, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the below is true and correct:

1. I am the founder and principal of the Law Office of Benjamin J. Hinerfeld (the “Hinerfeld Firm”), which I have been operating since 2013. Four attorneys, Michele McDonnell Reichow, Esq., Jason Fortenberry, Esq., Hallam Roth Harper, Esq. and Michelle Payne, Esq., serve in an *of Counsel* capacity for the Hinerfeld Firm.

2. The Law Office of Benjamin J. Hinerfeld concentrates its practice predominantly on cases arising under state and federal special education and related laws.

3. I also serve in an *of Counsel* capacity to Gina DeCrescenzo, P.C., a law firm in White Plains, New York, which also specializes in cases arising under the state and federal special education and related laws.

4. I am licensed to practice law in Pennsylvania, New Jersey, New York and Delaware, as well as the Eastern District of Pennsylvania, the Southern District of New York, the

6. After completing law school, I served as a law clerk to the Honorable Sandra Schultz Newman on the Pennsylvania Supreme Court.

8. From 1999 to 2003, I obtained a Master's Degree from the University of Texas at Austin.

10. From 2006 until 2010, I was a senior associate at Kessler Topaz Meltzer & Check, LLP (“Kessler Topaz”), where my practice also concentrated on complex nationwide federal securities and shareholder litigation.

11. While at Kessler Topaz, and prior to establishing the Law Office of Benjamin J. Hinerfeld, I served as *pro bono* co-counsel on several special education matters with the Public Interest Law Center of Philadelphia (“PILCOP”), an organization with which I continue to collaborate. I became familiar with the state and federal special education laws, as well as provisions of those laws pertaining to attorneys’ fees.

12. From 2010 to 2012, I served as a Deputy City Solicitor for the Law Department of the City of Philadelphia. In that capacity, I practiced administrative law both as an advocate and counsel to the Board of Pensions and Retirement for the City of Philadelphia.

13. From 2012 to 2013, I served as a senior associate with Brower Piven, LLP, in New York, NY, where I practiced under the federal and state securities laws.

14. Due to my extensive experience litigating cases under federal law, and in particular under federal statutes that permit prevailing parties to recover attorneys' fees and costs, I am familiar with national and local practices concerning the compensation of plaintiffs' counsel for their litigation activities.

15. I am familiar with the billing rates that these entities charge for litigation services performed by their attorneys. In addition to regularly cross-checking my firm's private billable rates with the rates charged by comparable firms in the Philadelphia and New York regions, I have also submitted and reviewed numerous fee petitions filed under the federal civil rights statutes. I have researched the prevailing rates published by public interest law agencies, such as PILCOP and Community Legal Services ("CLS"). I also have extensive experience litigating attorneys' fee-related matters in federal and state courts in the areas of securities and shareholder litigation.

16. My firm currently bills \$325 per hour for my work on civil rights matters, \$325 per hour for Ms. Reichow's work on civil rights matters, \$300 per hour for Mr. Fortenberry's work on civil rights matters, \$250 per hour for Ms. Harper's work on civil rights matters and \$225 per hour for Ms. Payne's work on civil rights matters.

17. I am familiar with the Law Offices of David J. Berney, P.C. and know of the firm's litigation under various federal civil rights statutes. I am personally familiar with each of the attorneys in whose support I am submitting this Declaration.

18. I have reviewed the affidavit of David Berney, Esq. Mr. Berney is a graduate of one of the most prestigious law schools in the United States and has extensive experience in civil rights work.

19. I understand that the plaintiff in this matter is requesting that the Court direct that Mr. Berney be compensated at a rate of \$495 per hour.

20. Mr. Berney has been practicing law for close to twenty-three years since his graduation. Mr. Berney is the Founder and Principal of the Law Offices of David J. Berney, a firm that has ably and successfully represented clients in special education and civil rights matters for close to twenty years. Mr. Berney is widely regarded as an expert in special education both locally and nationally. He has taught, written and made countless presentations on special education law.

21. Based on my knowledge of market rates for attorneys in the Philadelphia area, the requested rate of \$495 per hour is within the reasonable range of rates charged for attorneys with background and experience similar to that of Mr. Berney.

22. I have also reviewed the affidavit of Vanita Kalra, Esq. Ms. Kalra is a graduate of one of the most prestigious law schools in the United States and has extensive experience in civil rights work.

23. I understand that the plaintiff in this matter has requested that the Court direct that Ms. Kalra be compensated at a rate of \$325 per hour.

24. Ms. Kalra has been practicing law for nine years since her graduation.

25. Based on my knowledge of market rates for attorneys in the Philadelphia area, the requested rate of \$325 per hour is well within the reasonable range of rates charged for attorneys with background and experience similar to that of Ms. Kalra.

DATE: March 31, 2016

B y n

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# EXHIBIT I



IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

E.C. and C.O., individually  
and on behalf of C.C.O.

Appellees,

v.

NO. 15-1825

School District of Philadelphia

Appellent.

DECLARATION OF JOSH KERSHENBAUM, ESQUIRE

Comes now, Joshua M. Kershenbaum, Esquire, hereby declaring as follows:

1. I am a Founding Member of Frankel & Kershenbaum, LLC in Bryn Mawr, Pennsylvania.
2. My Pennsylvania Attorney ID Number is 203270.
3. I have been admitted to practice in the Pennsylvania and New Jersey Bars, including the Eastern District of Pennsylvania, since 2006.
4. I am a 2006 *cum laude* graduate of Temple University School of Law and a 1996 *magna cum laude* graduate of Amherst College.
5. I began my legal career as an attorney at Montgomery McCracken Walker & Rhoads, LLP in Philadelphia, Pennsylvania, where I was an Associate in the Litigation Department, as well as an active member of the firm's Special Education Law practice group.
6. In 2008, I launched my law firm, Frankel & Kershenbaum, LLC, where

more than 80% of my practice has been in the area of Special Education Law.

7. Since 2008, I have represented more than 50 children with special needs and their families in Special Education Law matters involving dozens of school districts in Philadelphia, Montgomery, Delaware, Chester and Bucks counties and Southern New Jersey.

8. In both 2008 and 2009, I was an Adjunct Professor of Law at Temple University's Beasley School of Law, where I developed and co-taught the Special Education Law seminar.

9. I have written and published numerous articles and presented to hundreds of parents and professionals on a wide variety of topics related to the educational rights of students with disabilities in Pennsylvania and New Jersey.

10. In connection with my representation of families, I have attended IEP meetings, negotiated settlements with School Districts, written and filed Complaints for Due Process Hearings with the Office of Dispute Resolution and have appeared in federal court, including the United States District Court for the Eastern District of Pennsylvania.

11. In connection with my representation of families and my extensive involvement with other professionals in the field of special education law (e.g., attorneys for parents, attorneys for school districts and non-attorney parent advocates) I have contemporary and relevant knowledge of the fees customarily charged by attorneys in this field in and around Philadelphia.

12. I know David Berney, Esquire, attorney in the Law Offices of David J. Berney, P.C., through my work as an attorney in the field of Special Education Law.

I am aware of his excellent reputation in the “parent bar” (i.e., the attorneys in this region who represent parents in special education law matters). He is highly regarded as an attorney in this field. I have also reviewed Mr. Berney’s affidavit.

13. I am advised that Mr. Berney’s billing rate is \$495 per hour.

14. Based on my experience as an attorney practicing primarily in the field of special education law in and around Philadelphia, Pennsylvania, I believe that Mr. Berney’s hourly rate is reasonable and consistent with or similar to the rates and fees of other attorneys with his experience and may even be lower than can reasonably be charged for his legal services in this matter given his extensive special education experience.

I declare under penalty of perjury under the laws of the United States of America and pursuant to and subject to the penalties of 28 U.S.C. § 1746, relating to unsworn falsification to authorities, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated this 30th day of March, 2016



Joshua M. Kershenbaum, Esquire (PA ID: 203270)  
Frankel & Kershenbaum, LLC  
1230 County Line Road  
Bryn Mawr, PA 19010  
(610) 922-4202 Josh@MyKidsLawyer.com

# EXHIBIT J

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

E.C. and C.O., individually and  
on behalf of C.C.O.

Appellees,

V.

School District of Philadelphia

Appellant.

.....

NO. 15-1825

**DECLARATION OF JONATHAN H. FEINBERG, ESQ.,  
IN SUPPORT OF PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES**

I, Jonathan H. Feinberg, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the below is true and correct:

1. This declaration is submitted in support of the plaintiffs' application in this matter for attorneys' fees and costs, and, in particular, in support of the request of Vanita Kalra, Esq., that the Court direct compensation for her time at a rate of \$325 per hour.

2. I am a partner in the law firm of Kairys, Rudovsky, Messing & Feinberg LLP, a boutique firm that specializes in civil rights litigation and criminal defense.

3. I am a 2001 *summa cum laude* graduate of the University of Pennsylvania Law School. I was an editor of the University of Pennsylvania Law Review and I was awarded the “Best Oralist” prize in the Law School’s Edwin R. Keady Cup appellate advocacy competition.

4. After completing law school, I served as a law clerk to the Honorable Jan E. DuBois on the U.S. District Court for the Eastern District of Pennsylvania.

5. Upon completion of my clerkship in 2002, I joined my current firm, then known as Kairys, Rudovsky, Epstein & Messing, as an associate. In 2006, I was promoted to partnership in the firm, and the firm's name was changed to its current title.

6. For the past thirteen-and-a-half years, I have focused my practice on the litigation of civil rights matters in federal court, including cases brought under 42 U.S.C. § 1983, the Federal Tort Claims Act, and constitutional claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

7. I regularly serve as a faculty member at Continuing Legal Education courses focusing on the substantive law and strategic litigation issues encountered in these practice areas. Additionally, in the 2007-08 academic year, I served as an adjunct faculty member in the University of Pennsylvania Law School's clinical program, providing classroom instruction and caseload supervision to students in the program's civil practice clinic.

8. I have tried several civil rights matters to verdict, including, by way of example, the matter of *Darryl Williams v. City of Philadelphia*, U.S.D.C. E.D. Pa. No. 11-cv-3233 (Tucker, C.J.), in which a jury awarded to the plaintiff a total verdict of \$350,000.00. I have also served as counsel in numerous civil rights matters that have resulted in six-, seven-, and eight-figure gross settlement recoveries for plaintiffs.

9. Since 2013, I have been a member of the board of directors for the National Police Accountability Project of the National Lawyers Guild, an organization that serves as a clearinghouse and trade group for more than 500 lawyers nationwide representing plaintiffs in civil rights matters in the criminal justice arena. In 2015, I was selected to serve on the Executive Committee of the board of directors.

10. Due to my extensive experience litigating cases under federal civil rights statutes that permit prevailing parties to recover attorneys' fees and costs, I am familiar with national and local practices concerning the compensation of plaintiffs' counsel for their litigation activities.

11. In my civil rights litigation, I have frequently partnered with lawyers from non-profit organizations such as the Women's Law Project and Community Legal Services of Philadelphia and with lawyers from large law firms such as Pepper Hamilton LLP and Schnader Harrison Segal & Lewis LLP. I am familiar with the billing rates that these entities charge for litigation services performed by their attorneys.

12. My firm currently bills \$500 per hour for my work on civil rights matters.

13. I am familiar with the Law Offices of David J. Berney, P.C. and know of the firm's litigation under various federal civil rights statutes. Additionally, I have reviewed the curriculum vitae of Vanita Kalra, Esq. Ms. Kalra is a graduate of one of the most prestigious law schools in the United States. In addition, before beginning work with the Law Offices of David J. Berney, Ms. Kalra obtained a multitude of international litigation experience.

14. I understand that plaintiffs in this matter have requested that the Court direct that Ms. Kalra be compensated at a rate of \$325 per hour.

15. Ms. Kalra has been practicing law for nearly ten years since her graduation. I note that in one of my civil rights matters commenced seven years after my graduation from law school, all parties to the matter agreed after a verdict for the plaintiff that my time would be compensated at a rate of \$340 per hour. *See Taylor v. Williams*, No. 08-cv-782 (Brody, J.), Doc. No. 45.

16. Based on my knowledge of market rates for attorneys in the Philadelphia area, the requested rate of \$325 per hour is well within the reasonable range of rates charged for attorneys with background and experience similar to that of Ms. Kalra.

DATE: April 2, 2016

/s/ Jonathan H. Feinberg

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Jonathan H. Feinberg  
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# EXHIBIT K

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

E.C. and C.O., individually and  
on behalf of C.C.O.

Appellees,

V.

School District of Philadelphia

Appellant.

.....

NO. 15-1825

**DECLARATION OF RYAN ALLEN HANCOCK, ESQ.,  
IN SUPPORT OF PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES**

I, Ryan Allen Hancock, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the below is true and correct:

1. This declaration is submitted in support of the plaintiffs' application in this matter for attorneys' fees and costs, and, in particular, in support of the request of Vanita Kalra, Esq., that the Court direct compensation for her time at a rate of \$325.00 per hour.

2. I am Of Counsel in the law firm of Willig, Williams & Davidson a law firm that specializes in labor, employment, and civil rights litigation. I am currently authorized to practice in New York, Pennsylvania, and the United States District Court for the Eastern District of Pennsylvania.

3. I am a 2003 graduate of the Rutgers School of Law – Camden.

4. After completing law school, I served as a law clerk to the Honorable David G. Eynon in the Camden County Superior Court, Criminal Division of New Jersey.

5. Upon completion of my clerkship in 2004, I became Assistant Chief Counsel with the Pennsylvania Human Relations Commission, the Commonwealth's civil right agency. As an Assistant Chief Counsel, I conducted all aspects of complaint investigation, settlement negotiations, settlement compliance monitoring, prosecution, and enforcement of hundreds of complaints of unlawful discrimination in violation of Pennsylvania's civil rights laws in the areas of employment, public accommodation, housing, and education.

6. In 2014, I joined my current firm Willig, Williams & Davidson as Of Counsel and Chair of the firm's Employment Practice Group. My current practice focuses on all matters related to employment, public accommodation, housing, and education matters, including but not limited to sexual harassment, discrimination, retaliation and whistleblower actions, wrongful termination, employee benefits, overtime and wage and hour, labor, and employment agreements. I regularly appear before various administrative agencies, state, and federal courts.

7. I regularly serve as a faculty member at Continuing Legal Education courses focusing on the substantive law and strategic litigation issues encountered in my practice and articles that I have written on the practice of law have been published in various law journals.

8. I am also the co-founder and current Board Chair of the legal-aid nonprofit, the Philadelphia Lawyers for Social Equity ("PLSE"). PLSE is dedicated that is dedicated to working with the community to reduce the collateral effects of criminal records utilizing direct representation, advocacy, and public education through its Criminal Record Expungement Project ("C-REP") and Fair Employment Opportunities Project ("FEOP").

9. Additionally, in 2011-2013, I served as a Convener of the Drexel Summer Theory Institute at the Drexel University Thomas R. Kline School of Law and I am the supervising attorney for the Criminal Record Expungement Project student clinics at the University of

10. In the recent past, I have been a member of the board of directors for the National Lawyers Guild, Bethesda Project, and the University of Pennsylvania Journal of Law & Social Change.

11. Due to my experience litigating cases under state and federal statutes that permit prevailing parties to recover attorneys' fees and costs, I am familiar with national and local practices concerning the compensation of plaintiffs' counsel for their litigation activities.

12. Through litigation, I have frequently partnered with lawyers from nonprofit organizations such as the Public Interest Law Center, Lawyers Committee for Civil Rights Under Law, the Philadelphia Lawyers for Social Equity and with lawyers from large law firms such as Arnold & Porter LLP, Pepper Hamilton LLP, and Pollins Law Firm. I am familiar with the billing rates that these entities charge for litigation services performed by their attorneys.

13. Willig, Williams & Davidson currently bills \$450.00 per hour for my work.

14. I am familiar with the Law Offices of David J. Berney, P.C. and know of the firm's litigation under various state and federal civil rights statutes. In fact, while at the Pennsylvania Human Relations Commission, I often worked on matters brought by the Law Offices of David J. Berney, P.C. Additionally, I have reviewed the curriculum vitae of Vanita Kalra, Esq.

15. I understand that plaintiffs in this matter have requested that the Court direct that Ms. Kalra be compensated at a rate of \$325 per hour.

16. Based on my knowledge of market rates for attorneys in the Philadelphia area, the

**Ryan Allen Hancock**  
PA Bar No. 92590  
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# EXHIBIT L



# EXHIBIT M



## BILLING SURVEY

# A nationwide sampling of law firm billing rates

The National Law Journal asked the respondents to its 2010 survey of the nation's 250 largest law firms to provide a range of hourly billing rates. Firms that supplied the information are listed in alphabetical order. Non-NLJ 250 firms appear separately.

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE		PARTNER				ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Adams and Reese	New Orleans	255	\$265	\$270	\$350	\$250	\$341	\$340	\$290	\$195	\$229	\$235
Alston & Bird	Atlanta	786	\$515	\$505	\$855	\$450	\$627	\$615	\$590	\$270	\$405	\$405
Archer & Greiner	Haddonfield, N.J.	176			\$350	\$305			\$340	\$175		
Arent Fox	Washington	325			\$755	\$400			\$475	\$240		
Armstrong Teasdale	San Francisco	235			\$475	\$300			\$325	\$200		
Baker, Donelson, Bearman, Caldwell & Berkowitz	Memphis, Tenn.	552	\$312	\$305	\$595	\$255	\$357	\$348	\$320	\$165	\$231	\$230
Barnes & Thornburg	Charlotte	494	\$377	\$305	\$615	\$255	\$416	\$415	\$355	\$225	\$261	\$260
Benesch, Friedlander, Coplan & Aronoff	Cleveland	161	\$315	\$315	\$575	\$350	\$335		\$360	\$195	\$245	
Best Best & Krieger	Irvine, Calif.	183			\$550	\$310			\$395	\$225		
Blank Rome	Philadelphia	472	\$510	\$495	\$855	\$440	\$615	\$625	\$550	\$250	\$361	\$353
Bond, Schoenck & King	Syracuse, N.Y.	195	\$260	\$255	\$475	\$220	\$305	\$300	\$280	\$160	\$208	\$210
Briggs and Morgan	Minneapolis	190	\$373	\$390	\$600	\$290	\$437	\$440	\$315	\$210	\$240	\$235
Broad and Cassel	San Francisco	150	\$300	\$295	\$415	\$260	\$372	\$375	\$350	\$175	\$242	\$245
Brownstein Hyatt Farber Schreck	Denver	248	\$391	\$380	\$810	\$295	\$463	\$448	\$360	\$200	\$256	\$255
Bryan Cave	St. Louis	928	\$464	\$450	\$790	\$370	\$553	\$540	\$350	\$185	\$344	\$345
Buchalter Nemer	Los Angeles	164	\$415	\$415	\$625	\$270	\$490	\$495	\$450	\$195	\$328	\$310
Buchanan Ingersoll & Rooney	Pittsburgh	423			\$500	\$310			\$465	\$210		
Burr & Forman	Birmingham, Ala.	256	\$328	\$330	\$500	\$210	\$361	\$365	\$335	\$200	\$250	\$250
Butzel Long	Deloit	161			\$750	\$500			\$375	\$200		
Carlton Fields	Tampa, Fla.	275	\$388	\$390	\$775	\$325	\$455	\$455	\$375	\$195	\$268	\$270
Chadbourne & Parke	New York	444	\$456	\$450	\$895	\$390	\$769	\$785	\$625	\$110	\$442	\$455
Cozen O'Connor	Philadelphia	521	\$422	\$390	\$880	\$310	\$497	\$475	\$585	\$225	\$326	\$320
Curtis, Mallett Prevost, Colt & Moore	New York	252	\$488	\$480	\$785	\$675	\$669	\$615	\$575	\$275	\$355	\$350
Davis Wright Tremaine	Seattle	491	\$355	\$365	\$795	\$320	\$486	\$480	\$435	\$210	\$304	\$305
Dickinson Wright	Indianapolis	300			\$575	\$355			\$275	\$195		
Dickstein Shapiro	Washington	336	\$546	\$530	\$950	\$525	\$656	\$650	\$530	\$265	\$426	\$450
Dinsmore & Shohl	Cincinnati	402	\$302	\$290	\$590	\$220	\$360	\$355	\$300	\$175	\$222	\$218
Dorsey & Whitney	Minneapolis	578	\$410	\$395	\$795	\$440	\$515	\$515	\$290	\$180	\$285	\$270
Duane Morris	Philadelphia	629	\$483	\$485	\$850	\$240	\$550	\$545	\$480	\$135	\$349	\$350
Dykema Gossett	Detroit	333	\$445	\$450	\$635	\$360	\$495	\$515	\$450	\$225	\$325	\$320
Ekert Seaman Cherrin & Mellott	Pittsburgh	329			\$625	\$250			\$320	\$150		
Edwards Angell Palmer & Dodge	Boston	505	\$451	\$450	\$780	\$345	\$571	\$575	\$610	\$200	\$323	\$303
Epstein Becker & Green	New York	302	\$429	\$425	\$850	\$350	\$520	\$500	\$450	\$180	\$325	\$320
Fisher & Phillips	Atlanta	238			\$505	\$340			\$360	\$220		
Fitzpatrick, Cella, Harper & Scinto	New York	175			\$130	\$460			\$440	\$275		\$325
Foley & Lardner	Milwaukee	895	\$554	\$570	\$1,035		\$654	\$640		\$255	\$426	\$410
Ford & Harrison	Atlanta	176			\$620	\$375			\$390	\$250		
Fox Rothschild	Philadelphia	472	\$407	\$415	\$690	\$315	\$473	\$470	\$475	\$235	\$298	\$290
Frost Brown Todd	Cincinnati	404	\$279	\$280	\$515	\$200	\$325	\$325	\$250	\$150	\$189	\$190
Gardere Wynne Sewell	Dallas	270	\$445	\$450	\$815	\$380	\$531	\$525	\$445	\$195	\$311	\$310
Gibbons	Newark, N.J.	223	\$406	\$410	\$790	\$380	\$479	\$475	\$450	\$250	\$288	\$275
Godfrey & Kahn	Milwaukee	172			\$495	\$325			\$340	\$180		
GrayRobinson	Orlando, Fla.	250			\$750	\$225			\$315	\$150		
Greenberg Traurig	New York	1,763	\$453	\$480	\$875	\$355	\$550	\$580	\$610	\$200	\$332	\$350
Harris Beach	Rochester, N.Y.	176			\$500	\$275			\$250	\$140		
Hiscock & Barclay	Syracuse, N.Y.	175	\$311	\$275	\$650	\$195	\$348	\$305	\$440	\$150	\$234	\$195

SEE SAMPLING, PAGE 13

## SAMPLING, FROM PAGE 12

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE		PARTNER				ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Hodgson Russ	Buffalo, N.Y.	197	\$328	\$320	\$665	\$230	\$374	\$370	\$410	\$175	\$238	\$230
Holland & Knight	Washington	942	\$418	\$425	\$850	\$300	\$499	\$495	\$480	\$185	\$288	\$280
Holme Roberts & Owen	Denver	192	\$355	\$345	\$635	\$285	\$415	\$410	\$530	\$170	\$295	\$285
Husch Blackwell	St. Louis	554	\$329	\$331	\$804	\$230	\$357	\$375	\$415	\$171	\$220	\$205
Jackson Kelly	Charleston, W.Va.	181			\$455	\$245			\$275	\$155		
Jackson Lewis	White Plains, N.Y.	651	\$364	\$300	\$715	\$260	\$428	\$430	\$440	\$150	\$282	\$275
Jones, Walker, Waechter, Poitevent, Carrère & Denegre	New Orleans	302			\$620	\$195			\$275	\$140		
Kelley Drye & Warren	New York	325			\$900	\$465			\$565	\$275		
Kilpatrick Stockton	Atlanta	423	\$425	\$425	\$730	\$375	\$527	\$520	\$465	\$225	\$320	\$320
Knobbe, Martens, Olson & Bear	Irvine, Calif.	266	\$432	\$415	\$710	\$395	\$511	\$485	\$450	\$285	\$332	\$335
Lane Powell	Seattle	175	\$349	\$380	\$600	\$310	\$431	\$430	\$350	\$230	\$278	\$275
Lathrop & Gage	Kansas City, Mo.	286			\$490	\$255			\$265	\$180		
Lindquist & Vennum	Minneapolis	184	\$330	\$350			\$415	\$410			\$235	\$235
Littler Mendelson	San Francisco	764	\$372	\$355	\$650	\$290	\$445	\$435	\$480	\$210	\$296	\$285
Locke Lord Bissell & Liddell	Dallas	642	\$480	\$515	\$1,120	\$400	\$599	\$600	\$525	\$215	\$320	\$300
Loeb & Loeb	New York	300			\$375	\$475			\$575	\$275		
Lowenstein Sandler	Roseland, N.J.	238			\$825	\$440			\$575	\$235		
Manatt, Phelps & Phillips	Los Angeles	320	\$568	\$590	\$850	\$525	\$651	\$650	\$525	\$200	\$405	\$410
Marshall, Dennehey, Warner, Coleman & Goggin	Philadelphia	412			\$410	\$145			\$320	\$130		
Maynard, Cooper & Gale	Birmingham, Ala.	212			\$600	\$325			\$295	\$235		
McCarter & English	Newark, N.J.	382	\$355	\$200	\$825	\$350	\$490	\$485	\$405	\$215	\$315	\$315
McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	269	\$210	\$225	\$550	\$285	\$280	\$280	\$275	\$150	\$190	\$185
Macquire Woods	Richmond, Va.	872	\$455	\$450	\$830	\$325	\$543	\$535	\$600	\$220	\$355	\$350
McKenna Long & Aldridge	Atlanta	429	\$455	\$410	\$775	\$375	\$540	\$525	\$490	\$220	\$365	\$355
Michael Best & Friedrich	Milwaukee	274	\$345	\$345	\$650	\$235	\$400	\$390	\$320	\$190	\$330	\$230
Miles & Stockbridge	Baltimore	223			\$695	\$325			\$370	\$220		
Miller & Martin	Chattanooga, Tenn.	192	\$328	\$335	\$610	\$235	\$361	\$365	\$275	\$180	\$218	\$210
Moore & Van Allen	Charlotte N.C.	282	\$364	\$350	\$785	\$265	\$441	\$425	\$350	\$180	\$257	\$250
Nelson Mullins Riley & Scarborough	Columbia, S.C.	400	\$347	\$340	\$850	\$245	\$399	\$385	\$335	\$185	\$248	\$240
Nexsen Pruet	Columbia, S.C.	178			\$325	\$230			\$250	\$160		
Nixon Peabody	New York	682	\$429	\$430	\$905	\$375	\$613	\$625	\$580	\$195	\$388	\$395
Ogletree, Deakins, Nash, Smoak & Stewart	Greenville, S.C.	485	\$351		\$575	\$300	\$389		\$390	\$195	\$285	
Patton Boggs	Washington	525	\$482	\$485	\$990	\$355	\$645	\$625	\$550	\$215	\$399	\$400
Pepper Hamilton	Philadelphia	458	\$326		\$825	\$420	\$547		\$465	\$230	\$329	
Perkins Coie	Seattle	683	\$447		\$825	\$275	\$534	\$530	\$570	\$200	\$354	
Phelps Dunbar	New Orleans	281	\$226	\$215	\$385	\$180	\$272	\$265	\$240	\$145	\$183	\$180
Phillips Lytle	Buffalo, N.Y.	177	\$255	\$260	\$635	\$260	\$352	\$350	\$450	\$150	\$283	\$230
Poisinelli Shughart	Kansas City, Mo.	500			\$800	\$250			\$325	\$185		
Quarles & Brady	Milwaukee	415	\$364	\$360	\$660	\$250	\$438	\$435	\$400	\$210	\$260	\$245
Roetzel & Andress	Akron, Ohio	215	\$317	\$325	\$525	\$225	\$357	\$350	\$325	\$165	\$243	\$245
Rutan & Tucker	Costa Mesa, Calif.	133			\$650	\$355			\$450	\$225		
Saul Ewing	Philadelphia	219	\$412	\$425	\$800	\$320	\$491	\$478	\$475	\$225	\$310	\$285
Schulte Roth & Zabel	New York	433			\$895	\$735			\$690	\$275		
Seyfarth Shaw	Chicago	704	\$377	\$375	\$770	\$335	\$505	\$503	\$535	\$185	\$325	\$320
Sheppard, Mullin, Richter & Hampton	Los Angeles	464			\$820	\$495			\$620	\$270		
Shumaker, Loop & Kendrick	Toledo, Ohio	210	\$331	\$350	\$540	\$250	\$366	\$365	\$315	\$185	\$246	\$235
Smith, Gambrell & Russell	Atlanta	175			\$740	\$325			\$440	\$195		
Snell & Wilmer	Phoenix	396	\$338	\$325	\$755	\$315	\$486	\$475	\$550	\$175	\$282	\$265
Stoel Rives	Portland, Ore.	368	\$381	\$395	\$600	\$315	\$441	\$443	\$390	\$190	\$270	\$265
Strasburger & Price	Dallas	181	\$336	\$351	\$617	\$250	\$372	\$393	\$306	\$194	\$243	\$245
Taft, Stettinius & Hollister	Cincinnati	285	\$315	\$315	\$500	\$220	\$388	\$350	\$365	\$165	\$227	\$225

SEE SAMPLING, PAGE

## BILLING SURVEY

SAMPLING, FROM PAGE 13

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE		PARTNER				ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Thompson Coburn	St. Louis	326			\$610	\$300			\$395	\$190		
Thompson & Knight	Dallas	228			\$225	\$410			\$240	\$70		
Townsend and Townsend and Crew	San Francisco	177	\$320	\$290	\$750	\$470	\$563	\$550	\$460	\$260	\$345	\$325
Olmer & Berne	Cleveland	117			\$565	\$260			\$375	\$165		
Vedder Price	Chicago	255	\$425	\$425	\$720	\$370	\$483	\$470	\$365	\$255	\$325	\$325
Venable	Washington	894	\$469	\$495	\$950	\$445	\$590	\$585	\$500	\$280	\$355	\$350
Williams Mullen	Richmond, Va.	300	\$368	\$340	\$645	\$315	\$428	\$395	\$370	\$230	\$279	\$280
Winstead	Dallas	264	\$335		\$635	\$340	\$462		\$390	\$215	\$290	
Winston & Strawn	Chicago	899	\$486	\$490	\$1,075	\$475	\$670	\$660	\$610	\$250	\$393	\$375
Womble Carlye Sandridge & Rice	Winston-Salem, N.C.	93	\$375	\$375	\$625	\$300	\$461	\$465	\$415	\$210	\$291	\$285
Wyatt, Tarrant & Combs	Louisville, Ky.	186			\$500	\$245			\$285	\$180		
NON-NJ 250 FIRMS												
Brinks Hofer Gibson & Lyon	Chicago	143	\$435	\$435	\$725	\$345	\$517	\$550	\$410	\$195	\$308	\$295
Fowler White Boggs	Tampa, Fla.	127	\$350	\$370	\$575	\$325	\$400	\$388	\$315	\$205	\$250	\$255
Lewis, Rice & Fingersh	St. Louis	157			\$460	\$260			\$315	\$150		
Luce, Forward, Hamilton & Scripps	San Diego	143			\$670	\$350			\$445	\$245		
McAndrews, Held & Malloy	Chicago	102			\$475	\$240			\$350	\$225		
Montgomery, McCracken, Walker & Rhoads	Philadelphia	117			\$625	\$380	\$461		\$395	\$205	\$284	
Morris, Manning & Martin	Atlanta	156	\$424	\$415	\$760	\$460	\$492	\$490	\$345	\$225	\$334	\$360
Schwabe, Williamson & Wyatt	Portland, Ore.	158	\$350	\$340	\$540	\$310	\$415	\$410	\$450	\$200	\$260	\$250
Sullivan & Worcester	Boston	156	\$537	\$543	\$830	\$475	\$647	\$623	\$535	\$290	\$383	\$370

# EXHIBIT N



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PRESTON PLEVRETES : CIVIL ACTION  
:  
v. :  
:  
LA SALLE UNIVERSITY, et al. : NO. 07-5186

ORDER

AND NOW, this 15th day of January, 2008, upon consideration of Plaintiffs' Request for Attorneys' Fees and Costs (Docket No. 11) and the response and reply thereto, IT IS HEREBY ORDERED that Buchannan Ingersoll & Rooney, PC, counsel for defendant Jermaine Venable, shall pay to the plaintiffs \$4,945.00 in attorney's fees and \$192.24 in costs for a total of \$5,137.24, pursuant to 28 U.S.C. § 1447(c). The Court incorporates herein its prior Memorandum and Order dated December 19, 2007.

This personal injury action was originally filed in the Court of Common Pleas of Philadelphia County, Pennsylvania, and removed to this Court on the basis of diversity jurisdiction. In its Memorandum and Order of December 19, 2007, the Court granted the plaintiffs' motion to remand the case. The Court also found that the plaintiffs were entitled under 28 U.S.C. § 1447(c) to the costs and fees incurred in responding to the removal petition because the removing defendant lacked an objectively reasonable basis for seeking removal. The Court ordered that this award of

fees and costs should be paid by counsel for the removing defendant, Jermaine Venable, and ordered the plaintiffs to submit a bill of costs for the Court's consideration.

The plaintiffs have now submitted a bill of costs requesting a total of \$13,173.49 in fees and costs they say were incurred in responding to the plaintiffs' removal petition. The bill includes 2.5 hours of time billed by Shanin Specter, Esq., name partner in the firm of Kline & Specter, at \$640 per hour; 21 hours of time billed by Michael A. Trunk, Esq., a ninth year associate at Kline & Specter, at \$485; and 8.25 hours billed by Cynthia A. Muldoon, a legal assistant at \$125 per hour, plus \$357.24 in mailing and Westlaw costs. The bill includes both time for reviewing the defendant's notice of removal and drafting a motion to remand, but also time incurred in responding to the defendant's motion to sever and transfer venue, which was filed two days after the remand motion.

The defendant's response contends that this bill of costs is unreasonable. The defendant argues that the plaintiffs' counsel's billing rates are above the market rates for such services and that the plaintiffs' counsel's hours for the services performed are excessive and unnecessary. The defendant also challenges the plaintiffs' inclusion of time spent responding to its motion to sever and transfer.

Under 28 U.S.C. § 1447(c), a plaintiff can be awarded "just costs and any actual expenses, including attorney fees, incurred as a result of the removal." In general, determining the amount of a reasonable attorneys' fee requires multiplying a reasonable hourly rate by the number of hours reasonably expended. United Auto. Workers Local 259 Social Sec. Dept. v. Metro Auto Center, 501 F.3d 283, 290 (3d Cir. 2007); Washington v. Phila. Cty. Ct. of Common Pleas, 89 F.3d 1031, 1035 (3d Cir. 1996). A reasonable hourly rate is generally calculated according to the prevailing market rates in the community for attorneys of equivalent skill and experience, for which the prevailing party bears the burden of proof. Washington, 89 F.3d at 1035-36.

The Court finds that the rates billed by plaintiffs' counsel are reasonable according to the prevailing market rates in the Philadelphia legal community. The plaintiffs have attached to their reply brief an article from the National Law Journal of December 2007, which gives a sample of law firm billing rates as reported by the firms themselves. Eight firms with a significant Philadelphia presence are listed, including the firm representing defendant Venable, and the rates for partners and associates at these firms are comparable to those charged by Kline & Specter for attorneys Specter and Trunk.

The Court, however, finds that some of the fees and costs included in the plaintiffs' request cannot be recovered under 28 U.S.C. § 1447(c). Section 1447(c) allows the recovery of only those fees and costs that were "incurred as a result of the removal." The costs and fees incurred by the plaintiffs in reviewing the defendant's notice of removal and drafting and filing the plaintiffs' motion to remand were incurred as a result of the removal and are therefore recoverable under § 1447(c). The Court has reviewed the time and costs expended by the plaintiffs' counsel and legal assistant in performing these tasks and finds them to be reasonable.

The plaintiffs' costs and fees incurred in responding to the defendant's motion to sever and transfer venue, however, were not incurred as a result of the defendant's removal. The motion to sever and transfer was unrelated to the removal, and the same motion could have been filed had the case remained in state court. The time expended in drafting a response also appears to be unnecessary. The plaintiffs appear to have rushed to file a response to the motion to sever without waiting to see if it would be mooted by a decision on their motion to remand. The plaintiffs filed their motion to remand on December 10, 2007, and the defendant filed his motion to sever and transfer on December 12, 2007. Under the Local Rules, the plaintiff had until at least December 26, 2007 (fourteen days after service),



to respond to the motion to sever and transfer, but instead filed a response on December 17, 2007, five days after service. The Court granted the motion to remand, and thereby mooted the motion to sever and transfer, two days later on December 19, 2007. Finally, the Court has concerns that awarding costs for the work done to respond to the motion to sever and transfer might overcompensate the plaintiffs, because the same work would appear to be at least partially applicable to any similar motion the defendant may file in state court after remand.<sup>1</sup>

The bill of costs provided by the plaintiffs contains sufficient detail to allow the Court to exclude the fees and costs expended in responding to the defendant's motion to sever and transfer venue and to recalculate a fee award. The fees and costs incurred from December 7 through December 11, 2007, relate to the defendant's notice of removal and the plaintiffs' motion to remand and are therefore recoverable. The fees and costs incurred from December 16 to December 18, 2007, relate to the motion to sever and transfer and are therefore not recoverable. There are two entries for December 12, 2007, for Mr. Specter and Mr. Trunk of 0.5 hours each that relate to time spent reviewing both the defendant's Opposition to the Motion to Remand and the

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<sup>1</sup> The defendant has stated in his brief that he and several other defendants have filed preliminary objections in state court requesting the case be severed and transferred on the same grounds raised in the motion filed in this Court.

defendant's Motion to Sever and Transfer. The Court will award recovery of half of the time in these December 12 entries (0.25 hours each) for review of the defendant's Opposition.

Recalculating the plaintiffs' award in light of the above yields 1.25 hours expended by Mr. Specter in the amount of \$960, 7.25 hours by Mr. Trunk in the amount of \$3,516.25, and 3.75 hours by Ms. Muldoon in the amount of \$468.75, plus \$192.24 in costs. The total award of fees and costs is \$5,137.24

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.

# EXHIBIT O

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROSS TAYLOR,

Plaintiff,

v.

OFFICER BRIAN WILLIAMS, Badge No.  
4793; OFFICER DUSAK, Badge No. 4689,

Defendants.

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CIVIL ACTION

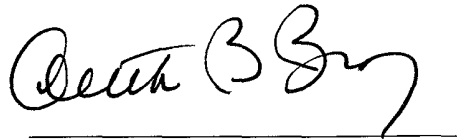
No. 08-782

ORDER

AND NOW, this 27<sup>th</sup> day of April, 2009, upon  
consideration of Plaintiff's Motion for Attorney's Fees and Costs (Doc. No. 40, filed April 7,  
2009), **IT IS ORDERED** that the Motion is **GRANTED** as unopposed with amendments agreed  
to by the parties, and, pursuant to those amendments, defendants shall pay to plaintiff, within  
ninety days of this Order, **\$40,536.18**, based on the following allocations:

1. Reimbursement for out-of-pocket costs totaling \$1,538.18; and
2. Attorney's fees totaling \$38,988.00 for 114.7 hours of attorney time at a rate of  
\$340.00 per hour.

BY THE COURT:



ANITA B. BRODY, J.

*Copies via ECF on - TO: Copies via US Mail on - TO:*